

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LINDA S. HIGGINS,

Defendant.

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8:06CR347

ORDER

This matter is before the court on the motion to continue by defendant Linda S. Higgins (Higgins) (Filing No. 16). Higgins seeks a ninety-day continuance of the trial of this matter which is scheduled for March 5, 2007. Higgins's counsel represents that counsel for the government has no objection to the motion. Higgins's counsel represents that Higgins consents to the motion and acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted in part as set forth below.

IT IS ORDERED:

1. Higgins's motion to continue trial (Filing No. 16) is granted as set forth below
2. Trial of this matter is re-scheduled for **May 14, 2007**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **February 26, 2007 and May14, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 26th day of February, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge